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*NOT ADMITTED TO THE BAR
**ADMITTED IN PENNSYLVANIA ONLY

March 9, 1993

Ms. Donna R. Searcy
Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

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MAR 9 1993

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Dear Ms. Searcy:

Enclosed for filing are an original and four copies of the
Motion for Leave for Late Filing of Comments of the Kenton/Boone
CATV Board in MM Docket No. 92-266.

Very truly yours,

MILLER & HOLBROOKE

By

Frederick E. Ellrod III
Frederick E. Ellrod III

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Enclosures
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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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OFFICE OF THE SECRETARY

In the Matter of)
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Implementation of Section 3 of the)
Cable Television Consumer Protection)
and Competition Act of 1992)

Rate Regulation)
)
)

MM Docket No. 92-266

MOTION FOR LEAVE FOR LATE FILING OF
COMMENTS OF
THE KENTON/BOONE CATV BOARD

Joseph Van Eaton
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MM Docket No. 92-266

**MOTION FOR LEAVE FOR LATE FILING OF
COMMENTS OF
THE KENTON/BOONE CATV BOARD**

The Kenton/Boone CATV Board ("Board"), by its attorneys, hereby moves for leave to file its comments on the Commission's cable rate survey one day after the March 8 deadline. While the Board agrees with the Commission that undue delay must be avoided in this docket, it respectfully suggests that its comments, deposited with the Commission on the morning of March 9, should be accepted.

On February 24, 1993, the Commission's Public Notice No. 31934 announced the release of data from the Cable TV System Operators Rate Structure Questionnaire and stated that comments would be accepted until Monday, March 8, 1993, allowing less than two weeks for review of the data. When the Board's counsel requested a copy of the Commission's rate survey database, however, the first computer diskette received turned out to be defective, causing delay while a new copy was produced.


Subsequently, it was discovered that, while the Commission's documentation suggests that the database file can be read by the dBase III program ("in dBaseIII dbf format," p. 1), this is not correct. The database contains more fields than dBase III or III+ will accommodate and apparently cannot be accessed by those programs. As a result, it was necessary to transfer the data to another program capable of reading the number of fields established by the Commission, causing further delay. Finally, as described in the Board's comments, there appear to be numerous errors in the data entries, which render the information more difficult to analyze and understand.

In view of these circumstances, one day's delay in filing is not unreasonable. In addition, accepting the Board's comments today will not inconvenience any party and may significantly assist the Commission's analysis. The comments are only six pages in length. However, they draw attention to problems in the data regarding the Board's area of jurisdiction that will not be

obvious to any other party. Accordingly, we respectfully request that the Commission accept the Board's comments.

Respectfully submitted,

THE KENTON/BOONE CATV BOARD

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March 9, 1993

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